

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRIAN GILES,

Plaintiff,

vs.

CITY OF LINCOLN, in their individual and official capacities.; TOM CASADY, in their individual and official capacities.; TIM LINKE, in their individual and official capacities.; ERIC JONES, in their individual and official capacities.; and PATRICK BORER, in their individual and official capacities.;

Defendants.

4:17CV3050

ORDER

The parties filed a Joint Stipulation Regarding Extension of Deadlines and Potential Motion for Leave to File an Amended Complaint for the deadlines that were set in Filing No. 126 and extended by Filing No. 134. (Filing No. 137). The stipulation asserts the parties are engaged in discussions regarding settlement of this case and mediation is scheduled for January 8, 2020.

The stipulation also indicates there are additional claims that Plaintiff may pursue if mediation and settlement efforts are unsuccessful. The parties' proposed order includes the following language:

Should Plaintiff file a motion for leave to file an amended complaint after the parties mediate the case or settlement efforts have failed, Defendants shall not raise the issue of timeliness or lack of diligence regarding said filing, but all other objections are preserved.

IT IS ORDERED:

- 1) The parties' stipulation (Filing No. 137) is granted, except as related to Plaintiff's potential motion for leave to amend, because this issue is not currently ripe for adjudication.
- 2) The parties shall contact chambers on or before January 17, 2020, regarding the outcome of the scheduled mediation.
- 3) As to the first phase of discovery, the progression schedule is amended as follows:
 - a. The deposition deadline is now January 30, 2020.
 - b. The discovery deadline is now January 30, 2020.
 - c. The summary judgment deadline is now February 17, 2020.

Dated this 27th day of September, 2019.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge